

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ROBERT B. EUBANK,

Plaintiff,

VS.

JEFFERSON COUNTY, et al.,

Defendants.

Case No: CV 04-TMP-3449-S

ORDER

In accordance with the Memorandum Opinion entered herewith, adopting the magistrate judge's report and recommendation, it is ORDERED as follows:

1. The motion to dismiss filed by defendant Mike Hale (doc. 34) is due to be, and it hereby is, GRANTED, and the claims against that defendant are DISMISSED WITH PREJUDICE.

2. The motion to dismiss filed by the Board of Trustees of the University of Alabama (doc. 23) is due to be, and it hereby is, GRANTED, and the claims against that defendant are DISMISSED WITH PREJUDICE.

3. The motion to dismiss filed by defendants University of Alabama Health Services Foundation, P.C., and UAB Health Systems (doc. 24) is due to be, and it hereby is, GRANTED, and the claims against that defendants are DISMISSED WITH PREJUDICE.

4. The motion to dismiss filed by defendant Gloria Bahakel (doc. 27) is due to be, and it hereby is, GRANTED, and the claims against that defendant are DISMISSED WITH PREJUDICE.

5. The motion to dismiss filed by defendant Copac, Inc., for want of personal jurisdiction (doc. 32) is due to be, and it hereby is, GRANTED, and the claims against that defendant are DISMISSED WITHOUT PREJUDICE.

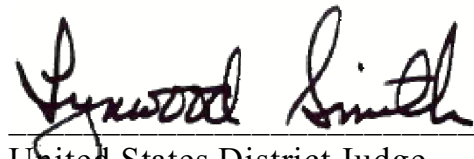
6. The motion to dismiss filed by defendants Sandra Frazier, Frank Barkers, Ralph Hendrix, and Foster Cook (doc. 25) is due to be, and it hereby is, GRANTED IN PART as to the claims against defendants Sandra Frazier and Frank Barkers, which claims against these two defendants are DISMISSED WITH PREJUDICE; but the motion is DENIED as to the claims against defendants Ralph Hendrix and Foster Cook.

7. The motion to dismiss filed by defendants Alabama State Bar, the Board of Commissioners of the Alabama State Bar, Jeanne Marie Leslie, Anthony McLain, Robert Lusk, and Robert Gwin (Doc. 21) is due to be, and it hereby is, GRANTED as to the claims against defendants Alabama State Bar and the Board of Commissioners of the Alabama State Bar, and all claims against these two defendants are hereby DISMISSED WITH PREJUDICE. The motion is further GRANTED as to defendants Jeanne Marie Leslie, Anthony McLain, Robert Lusk, and Robert Gwin, as to whom

all claims against them in their *official* capacities and all *federal* claims against them in their *individual* capacities are DISMISSED WITH PREJUDICE.¹

Finally, the court expressly finds, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, that there is no just reason to delay entry of final judgment with respect to some defendants, and, therefore, the Clerk is DIRECTED to ENTER FINAL JUDGMENT in favor of defendants Mike Hale, Gloria Bahakel, the Board of Trustees of the University of Alabama, University of Alabama Health Services Foundation, P.C., UAB Health Systems, Copac, Inc., Sandra Frazier, Frank Barkers, Alabama State Bar, and the Board of Commissioners of the Alabama State Bar.

DONE this 28th day of November, 2005.


United States District Judge

¹ This leaves pending against defendants Leslie, McLain, Lusk, and Gwin any state-law claims pled against them in their *individual* capacities.